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Practitioner's Docket No. 57139-5045

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Yoshihide IYEYA

Application No.: 09/785,026
Filed: February 15, 2001Group No.: 3682
Examiner: Julie K. Smith

Mail Stop 16
 Director of the U.S. Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450

**REQUEST FOR REFUND
 (IMPROPER CHARGE OF DEPOSIT ACCOUNT)**
I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account 10-0440, shown on the statement dated April 2004, for the above-identified application.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

| | AMOUNT OF REFUND REQUESTED |
|---|---|
| Extension for Response within First Month Fee Code 1251 | \$110.00 |
| TOTAL REFUND REQUESTED | \$110.00 |

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

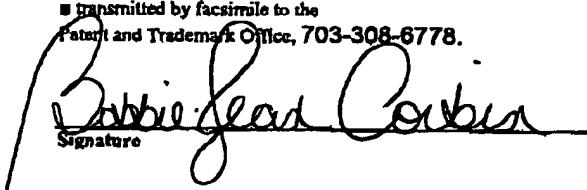
MAILING

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 10-14-04

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office, 703-308-6778.



Bobbie-Jean Corbin
Signature

Bobbie-Jean Corbin

(Type or print name of person certifying)

Adjustment date: 07/13/2004 EEKUBAYI
 04/08/2004 GJOHNSON 00000001 100440 09785026
 01 FC:1251 110.00 CR

Request for Refund (Improper Charge of Deposit Account)--page 1 of 2

BEST AVAILABLE COPY**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

In the Advisory Action, dated March 5, 2004 (enclosed), the Examiner set the period for replying to the Final Rejection 4 months from the mailing date of the Final Rejection, which was November 20, 2003. Therefore, a response was due on March 20, 2004. A Notice of Appeal was filed in response to the Advisory Action on March 19, 2004. No extension of time was requested nor was necessary since the Notice of Appeal was timely filed within the initial 4 months allotted for reply.

IV. MANNER OF REFUND

Please make refund by crediting Account No. 10-0440.

Date:

6/14/04St. R. Hansen

Steven R. Hansen
Registration No. 39,214
JEFFER, MANGELS, BUTLER &
MARMARO LLP
1900 Avenue of the Stars
Seventh Floor
Los Angeles, CA 90067
310-203-8080
Customer No. 24574



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Deposit Account Statement

| | |
|-----------------------------------|---------------------------------|
| Requested Statement Month: | April 2004 |
| Deposit Account Number: | 100440 |
| Name: | JEFFER MANGELS BUTLER & MARMARO |
| Attention: | MARIA VALMONTE |
| Address: | 2121 AVENUE OF THE STARS |
| City: | LOS ANGELES |
| State: | CA |
| Zip: | 90067-5010 |

| DATE SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEES CODE | AMT | BAL |
|------------|--------------------|---------------------------|--------------|-------------|-------------|
| 04/02 1 | 09785026 | 57139-5045 | 1251 | \$110.00 | \$9,521.50 |
| 04/02 14 | 2088507 | | 6206 | \$100.00 | \$9,421.50 |
| 04/02 15 | 2088507 | | 6206 | \$200.00 | \$9,221.50 |
| 04/05 6 | E-REPLENISHMENT | | 9203 | -\$670.00 | \$9,891.50 |
| 04/06 527 | 78396714 | 60982-1203 | 7001 | \$335.00 | \$9,556.50 |
| 04/06 528 | 78396715 | 60982-1204 | 7001 | \$335.00 | \$9,221.50 |
| 04/07 286 | PCT/US03/27762 | 63894-7001 | 1705 | \$14.00 | \$9,207.50 |
| 04/12 189 | 1829471 | | 6205 | \$100.00 | \$9,107.50 |
| 04/12 190 | 1829471 | | 6201 | \$400.00 | \$8,707.50 |
| 04/13 3 | 78229325 | | 6001 | \$1,340.00 | \$7,367.50 |
| 04/15 6 | PAYMENT | | 9203 | -\$4,600.00 | \$11,967.50 |
| 04/15 11 | E-REPLENISHMENT | | 9203 | -\$335.00 | \$12,302.50 |
| 04/15 1397 | 78402420 | 61713-1094 | 7001 | \$335.00 | \$11,967.50 |
| 04/21 22 | 75811888 | 60634-1002 | 6005 | \$100.00 | \$11,867.50 |
| 04/21 129 | PCT/US04/11633 | 64098-7001 | 1703 | \$90.00 | \$11,777.50 |
| 04/21 131 | PCT/US04/11633 | 64098-7001 | 8007 | \$40.00 | \$11,737.50 |
| 04/22 7 | E-REPLENISHMENT | | 9203 | -\$335.00 | \$12,072.50 |
| 04/28 248 | 75568739 | | 8521 | \$40.00 | \$12,032.50 |
| 04/30 458 | 78410629 | 63722-1010 | 7001 | \$335.00 | \$11,697.50 |

| | | | |
|--------------------------|---------------------------|------------------------------|------------------------|
| START BALANCE | SUM OF CHARGES | SUM OF REPLENISH. | END BALANCE |
| \$9,631.50 | \$3,874.00 | \$5,940.00 | \$11,697.50 |

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JUN-14-2004 15:36

Jeffer Mangels 6th #21

1 310 203 0280 P.05



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JRH

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/785,026 | 02/15/2001 | Yoshihiko Itoya | 57139-5045 | 3020 |
| 24574 7500 | 03/05/2004 | | | |

JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS, 7TH FLOOR
LOS ANGELES, CA 90067

EXAMINER
SMITH, JULIE KNECHT

ART UNIT
3602

DATE MAILED: 03/05/2004

RECEIVED

MAR 9 2004

CLERK'S SERVICES DEPT.
JEFFER, MANGELS & BUTLER MARMARO

Please find below and/or attached an Office communication concerning this application or proceeding.

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PTO-90C (Rev. 10/03)

CALENDARED
No of Appeal 1st Et Dc 3-2004
MAR 10 2004
FINAL Ntz of Appeal Dc 5-2004
Jeff, Mangels, Butler & Marmaro LLP
By One

08/14/04 MON 17:28 [TX/RX NO 8836] 005

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JUN-14-2004 15:36

Jeffer Mangels 6th #21

1 310 203 0280 P.06

| Advisory Action | Application No. | Applicant(s) |
|-----------------|---------------------------|------------------|
| | 09/785,026 | ITEYA, YOSHIHIDE |
| | Examiner Julie K Smith | Art Unit 3682 |

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 11 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY (check either a) or b))

- a) The period for reply expires 4 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): _____.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 3-27.

Claim(s) withdrawn from consideration: _____.

8. The drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. Other: _____.

DAVID A. BUCCI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2900

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TELEPHONE: (310) 203-8080
FACSIMILE: (310) 203-0567

June 14, 2004

| Company | Facsimile | Telephone |
|--------------------------------|----------------|-----------|
| U.S. Patent & Trademark Office | (703) 308-6778 | |

From: Steven R. Hansen

Client #: 57139-5045 **Client Name:** Shimano Inc.

Total number of pages (including this page): 6. If you do not receive this number of pages, please contact our FAX operator at (310) 201-3528.

A HARD COPY OF THE DOCUMENT(S) WILL NOT BE SENT

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